

# **MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS**



**Monday, March 20, 2023  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for March 20, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

- A. Mayor L. Klein-Quinn called the meeting of the City of Tomball Council to Order at 6:00 p.m.

**PRESENT**

Council 1 John Ford  
Council 2 Mark Stoll  
Council 3 Dane Dunagin  
Council 4 Derek Townsend, Sr.  
Council 5 Randy Parr

**OTHERS PRESENT:**

City Manager – David Esquivel  
Assistant City Manager – Jessica Rogers  
City Secretary – Tracylynn Garcia  
City Attorney – Loren Smith  
Director of Public Works – Drew Huffman  
Police Chief – Jeff Bert  
Director of Community Development – Nathan Dietrich  
Fire Chief - Joe Sykora  
Director of Finance – Katherine Tapscott  
IT Sr. Specialist – Ben Lato (video)  
Executive Director-TEDC – Kelly Violette  
Marketing Manager - Chrislord Templonuevo  
Community Center Manager – Rosalie Dillon  
Project Coordinator – Meagan Mageo  
Senior Administrative Assistant – Sasha Luna

- B. Invocation - Led by Council 3 Dane Dunagin
- C. Pledges to U.S. and Texas Flags led by Fire Chief Joe Sykora

- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*

Amanda Kelly  
19710 Rippling Brook Ln.  
Tomball, TX 77375

-

Appreciate the City and the work being done; & the vote regarding median on 2920 Concerns with women crossing the street with strollers.

Michael Pierce  
13607 Arcott Bend Dr.  
Tomball, Texas 77377

-

Honky Tonk

E. Reports and Announcements

1. Announcements

March 24-26, 2023 – Tomball German Heritage Festival at the Depot

April 1, 2023 – Tomball Athletic Booster Club Crawfish Boil at Juergens Park

April 15, 2023 – Tomball Rails and Tails Crawfish Festival at the Depot

April 21, 2023 – Tomball Rotary Fish Fry at Juergens Park

April 17-22, 2023 – Tomball Annual Spring Clean-Up and Chipping Week

April 22, 2023 – Tomball Consolidated Recycling Day – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.

May 4, 2023 – National Day of Prayer at the Community Center

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

- I. Katherine presented the quarterly Investment Report for Period Ending December 31, 2022.

- F. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

Items 4, 5 and 6 were pulled at the request of Council and Staff and were voted on separately.

1. Approve the Minutes of the March 6, 2023, Regular City Council Meeting
2. Consideration to approve an amendment to a professional services agreement with Freese & Nichols, Inc. for on-call GIS, planning, and engineering services for an amount of \$50,000 (contract total not to exceed amount of \$100,000).
3. Consideration to approve a Professional Services Agreement with Raba Kistner for groundwater monitoring at the City of Tomball closed landfill for a not-to-exceed amount of \$40,300, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the FY 2022-2023 Budget.
7. Consideration to approve a Professional Services Agreement with Oller Engineering, Inc. for the Rudolph Road water line extension design (Project Number 2023-10015) in the not-to-exceed amount of \$49,420, approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll for items 1,2,3 and 7.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

4. Consideration to approve a Professional Services Agreement with Raba Kistner for gas monitoring at the City of Tomball closed landfill for a not-to-exceed amount of \$20,500, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the FY 2022-2023 Budget.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

5. Approve a contract with Weisinger Incorporated to complete repairs and maintenance on Water Well 6 through a BuyBoard Contract (Contract No. 662-22 & 672-22) for a not-to-exceed amount of \$129,444, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the FY 2022-2023 Budget.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

6. Approve the purchase of a two 500kW natural gas generators from Evolve Power Generation through a cooperative purchasing contract with Choice Partners (Contract No. 17/020CG-04 & 21/031KN-22) for a not-to-exceed amount of \$599,787, approve the expenditure of funds therefor, and authorized the City Manager to execute any and all documents related to the purchase. This expenditure is included in the FY 2022-2023 Budget.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

G. New Business

1. Discussion and Possible Action regarding Legislative Items at the 2023 Texas Legislative Session.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Provide staff direction and authorize the city to commence negotiations on the proposed designs for FM 2920/Main Street reconstruction project with TXDOT.

Sandy Shaver  
622 Hospital  
Tomball, Texas

-

Wanted to speak regarding  
the median's on 2920

Council gave direction to move forward with Alternative 2.

3. Approve Resolution No. 2023-14, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 6th Day of May 2023, in Accordance with Section 2.053(A) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Aprobar la Resolución Nro. 2023-14 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 6 de mayo de 2023 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Chấp thuận Nghị Quyết số 2023-14, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 6 tháng Năm, 2023, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

通過決議案2023-

14, 取消一般市府官員應於2023年5月6日的選舉計畫 其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。

Motion made by Council 1 Ford, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

4. Approve, on First Reading, Resolution No. 2023-10-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$200,000.00.

Motion made by Council 5 Parr, Seconded by Council 2 Stoll.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

5. Approve, on First Reading, Resolution No. 2023-11-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to the North and South 100 Block Alleyways located in the City of Tomball, Texas, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$600,000.00.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

6. Approve, on First Reading, Resolution No. 2023-13-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, design of the South Wastewater Treatment Plant expansion located in the City of Tomball, Texas, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$415,000.00.

Motion made by Council 5 Parr, Seconded by Council 3 Dunagin.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

7. Approve, on First Reading, Resolution No. 2023-12-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Louie's Together Playground located at 1331 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$200,000.00.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

8. Conduct Public Hearing of the City Council of the City of Tomball to consider proposed Levy of Assessments for authorized improvements within the Seven Oaks Public Improvement District in the City of Tomball, Public Improvement District Number Fourteen (PID 14), established by City Council Resolution No. 2022-27. The proposed Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on August 15, 2022.
  - Mayor Klein Quinn called the PH to order at 7:15pm.
  - Hearing no public comments, Mayor Klein Quinn closed the Public Hearing at 7:16pm.
9. Adopt, on First Reading, Ordinance Number 2023-06, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Seven Oaks Public Improvement District (the “District”); Making a Finding of Special Benefit to Certain Property in the District; Levying Assessments against Certain Property within the District and Establishing a Lien on Such Property; Providing for Payment of the Assessment in Accordance with Chapter 372, Texas Local Government Code, as Amended; Providing for the Method of Assessment and the Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date. The proposed Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on August 15, 2022.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr to read Ordinance No. 2023-06 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to adopt on First Reading Ordinance No. 2023-06.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.



10. Adopt on First Reading , Ordinance No. 2023-07, an Ordinance Amending The Code of Ordinances of The City of Tomball, Texas, By Adding a New Subsection (ff-1) to Section 20-28, Amendments to The 2015 International Fire Code, of Article II, Fire Code, of Chapter 20, Fire Prevention And Protection; Regulating The Installation, Operation, Maintenance, Repair, Retrofitting, Testing, Commissioning And Decommissioning Of Energy Systems Used for Generating or Storing Energy; Providing A Penalty In An Amount Not To Exceed \$2,000.00 Per Day for Violation of Any Provision Hereof, With Each Day Constituting a Separate Offense; Providing a Repealer; Providing For Severability, And Making Other Findings Related Thereto.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr to read Ordinance No. 2023-07 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to adopt on First Reading Ordinance No. 2023-07.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

11. Consideration to approve **Case CUP23-01**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

- Mayor Klein Quinn called the PH to order at 7:36pm.

Salvador Medrano  
408 Commerce St  
Tomball, Texas 77375

- Dropped his public comment  
at the CSO in the am. Tracy read it.

Erik Sundan (DaVinci Gallery)-  
315 W. Main St.  
Tomball, Texas 77375

Spoke in favor of the Open Air  
Market

Michael Pierce (Applicant) - Presented  
13607 Arcott Bend Dr.  
Tomball, Texas 77377

- Hearing no further public comments, Mayor Klein Quinn closed the Public Hearing at 7:53 pm

Adopt, on First Reading, Ordinance No. 2023-04, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit for approximately 0.46 acres of land legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2023-04 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 4 Townsend Sr., to amend motion to not include amplified music.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to adopt on First Reading as amended Ordinance No. 2023-04.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

12. Consideration to approve **Case CUP23-02**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

- Mayor Klein Quinn called the PH to order at 8:15pm

Michael Pierce (Applicant) 13607 Arcott Bend Dr. Tomball, Texas 77377	-	Presented
---	---	-----------

Amanda Kelly 19710 Rippling Brook Ln. Tomball, TX 77375	-	restroom issues social media post regarding alcohol; TABC laws
---	---	--

Gretchen Fagan 1314 Pine Brook Tomball, Texas 77375	-	all food truck at 403 Eats gets processed through the mobile food truck court
---	---	---

- Mayor Klein Quinn closed the PH at 8:39pm

Adopt, on First Reading, Ordinance No. 2023-05, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit for a “Mobil Food Court” approximately 0.46 acres of land legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion made by Council 5 Parr, Seconded by Council 3 Dunagin to read by caption only Ordinance No. 2023-05.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 3 Dunagin, Seconded by Council 1 Ford to Adopt on First Reading Ordinance No. 2023-05.

Voting Nay: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion FAILED unanimously.

13. The following item is hereby added to the previously posted agenda for the Regular City Council Meeting on Monday, March 20, 2023.

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session.
- Sec. 551.072 – Deliberations regarding Real Property
- Sec. 551.074 – Personnel Matters; Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee-HR Director
- Sec. 551.087 – Deliberations regarding Economic Development

The Council recessed to a 5 min break at 8:44pm, before entering executive session.

Council reconvened back into regular session at 9:34 pm.

14. Confirm appointment by the City Manager, of Kristie Lewis, Esq. as the Human Resources Director, effective March 27, 2023.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

H. Adjournment

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Voting Abstaining: Mayor Klein Quinn

PASSED AND APPROVED this 3<sup>rd</sup> day of April 2023.

---

Tracylynn Garcia  
City Secretary, TRMC, MMC, CPM

---

Lori Klein Quinn  
Mayor